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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

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TO:	FROM:
Mail Stop Amendment	Jason D. Kelly
COMPANY:	DATE:
U.S. Patent & Trademark Office	JANUARY 16, 2008
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	21
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
571-272-4729	1023-350US01
RE:	YOUR REFERENCE NUMBER:
Response to Office Action dated October 16, 2007	10/826,925

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**CENTRAL FAX CENTER****JAN 16 2008**PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 1024  
Keith A. Miesel  
Serial No.: 10/826,925  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Patricia C. Mallari  
Group Art Unit: 3735  
Docket No.: 1023-350US01  
Title: COLLECTING SLEEP QUALITY INFORMATION VIA A MEDICAL  
DEVICE

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on January 16, 2008.

By: Shirley A. Betlach  
Name: Shirley A. Betlach

Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing  
☒ Amendment (19 pgs.)  
☒ No additional fee is required

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: 1/16/08By: Jason B. Kelly  
Name: Jason B. Kelly  
Reg. No.: 54,213

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PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	1024
Serial No.:	10/826,925		
Filed:	April 15, 2004	Customer No.:	28863
Examiner:	Patricia C. Mallari		
Group Art Unit:	3735		
Docket No.:	1023-350US01		
Title:	COLLECTING SLEEP QUALITY INFORMATION VIA A MEDICAL DEVICE		

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**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed October 16, 2007, the period of response for which runs through January 16, 2008, please amend the application as follows.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks** begin on page 13 of this paper.